

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF OKLAHOMA**

MICHAEL J. GUEST,

Plaintiff,

v.

**MICHAEL J. ASTRUE,
Commissioner of the Social
Security Administration,**

Defendant.

Case No. CIV-08-278-SPS

**OPINION AND ORDER AWARDING
ATTORNEYS' FEES TO THE PLAINTIFF UNDER THE EAJA**

The Plaintiff was the prevailing party in this appeal of the Commissioner of the Social Security Administration's decision denying benefits under the Social Security Act. The Plaintiff seeks an award of attorneys' fees in the amount of \$5,130.70 under the Equal Access to Justice Act, 28 U.S.C. § 2412 and \$350.00 in costs. *See* Plaintiff's Motion and Brief in Support for an Award of Attorney's Fees Pursuant to the Equal Access to Justice Act 28 U.S.C. § 2412 [Docket No. 21]. The Commissioner indicates that he has no objection to an award of \$5,130.70 in attorneys' fees and \$350.00 in costs to the Plaintiff.

Upon review of the record herein, the Court finds that said amount is reasonable and that the Commissioner should be ordered to pay it to the Plaintiff as the prevailing party herein. *See* 28 U.S.C. § 2412(d)(1)(A) ("Except as otherwise specifically provided by statute, a court shall award to a prevailing party . . . fees and other expenses . . .

incurred by that party in any civil action [.]”). *See also Manning v. Astrue*, 510 F.3d 1246, 1249-50 (10th Cir. 2007), *cert. denied*, ___ U.S. ___, 129 S. Ct. 486, 172 L. Ed. 2d 355 (2008).

Accordingly, Plaintiff’s Motion and Brief in Support for an Award of Attorney’s Fees Pursuant to the Equal Access to Justice Act 28 U.S.C. § 2412 [Docket No. 21] is hereby GRANTED, and the Commissioner is hereby ordered to pay attorneys’ fees in the amount of \$5,130.70 and \$350.00 in costs to the Plaintiff as the prevailing party herein.

IT IS SO ORDERED this 27th day of October, 2009.



STEVEN P. SHREDER
UNITED STATES MAGISTRATE JUDGE